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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

CHARLENE BYNUM individually, as the
wife of RONALD BYNUM and as the
Guardian of the Person and Estate of
RONALD BYNUM,

Plaintiff,

vs.

CITY OF NORTH LAS VEGAS; JACOB
RAY (P#1886); RODRIGO DELARA
(P#2417); JOHN E. TONRY (P#1684); JESSE
LEE CESENA (P#2425); ALEXANDER
PEREZ, JEFREY K. LYTLE, CITY OF LAS
VEGAS, MICHELLE FREEDMAN DOES 1-
100 and DOE ENTITIES 1-10,

Defendants.

Case No.: 2:17-cv-2102-APB-VCF

**STIPULATION AND ORDER TO AMEND
DISCOVERY PLAN
AND
~~PROPOSED~~
SCHEDULING ORDER
(FRCP 26(f)(3) and LR 26-1(b))**

The order signed previously prepared by counsel and signed by the court November 29, 2017, contains an error in the scheduling of the Rebuttal Expert Deadline making the disclosure of the Rebuttal Experts due before the Expert Disclosure Deadline. The proposed Amended Scheduling Order corrects the error.

1 **SPECIAL SCHEDULING REVIEW REQUESTED.**

2 The parties request that discovery run for 270 days from the date the first answer was
3 filed. The first answer was filed September 7, 2017. This extension of time is necessary because
4 many parties are yet unidentified and must be ascertained through discovery. The last answering
5 defendant answered on September 26, 2017.

6 1. **Meeting:**

7 Pursuant to FRCP 26(f), a telephonic discovery meeting was held on **Tuesday,**
8 **November 7, 2017**, at 2:00 P.M., and was attended by:

- 9 - Arnold Wienstock, Esq. of the Law Offices of Dan M. Winder, P.C., for Plaintiff,
10 - John A. Curtas, Deputy City Attorney, for Defendants City of Las Vegas and Michele
11 Freeman, and
12 - Noel E. Eidsmore, Esq. of Lewis Brisbois Bisgaard & Smith, LLP, for Defendants
13 City of North Las Vegas, Officers Jacob Ray, Rodrigo Delara, John E. Tonry, Jesse
14 Lee Cesena, Chief Alexander Perez, and Fire Chief Jeffrey K. Lytle.

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16 2. **Pre-Discovery Disclosures:**

17 Plaintiff and Defendants have until **Tuesday, November 21, 2017** to provide their initial
18 disclosures as required by FRCP 26(a), which is fourteen (14) days after the FRCP 26(f) meeting
19 and includes the requested extension of 90 days.

20
21 3. **Discovery Plan:** The parties jointly propose the Court the following discovery plan:

22
23 a. **Subject of Discovery:**

24 Discovery will be needed on the following subjects:

- 25 i. In all areas of liability and damages.

26
27 b. **Discovery Cut-Off Date(s):**

1 Discovery will take 270 days with the requested extension of 90 days (180 days of
2 discovery pursuant to the rules in addition to the requested 90 days extension),
3 measured from September 7, 2017, the date Defendant appeared by filing its city
4 of Las Vegas and Michele Freeman's Answer to Complaint (Dkt. #38). 270 days
5 after falls on Monday, June 4, 2018. Therefore, all discovery must be commenced
6 in time to be completed by **Monday, June 4, 2018**.

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8 **c. FRCP 26(a)(2) Disclosure (Experts):**

9 i. The disclosure of experts and expert reports shall occur on or before
10 **Thursday, April 7, 2018**, which is 60 days before the discovery cut-off
11 date; and

12
13 ii. The disclosure of rebuttal experts and their reports shall occur on or before
14 **Tuesday, May 7, 2018**, which is 30 days after disclosure of experts.

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16 **4. Other Items:**

17 **a. Amending the Pleadings and Adding Parties:**

18 The parties shall have until **Tuesday, March 6, 2018** to file any motions to amend the
19 pleadings or to add parties. This is 90 days before the discovery cut-off date and is within the
20 outside limit LR 26-1(e)(2) presumptively sets of 90 days before the discovery cut-off date for
21 filing such motions.

22
23 **b. Interim Status Report:**

24 The parties shall file the interim status report required by LR 26-3 by **Thursday, April 5,**
25 **2018**. This date is not later than 60 days before the discovery cut-off date.

26
27 **c. Dispositive Motions:**

1 The parties shall have until **Thursday July 5, 2018** to file dispositive motions. This is 31
2 days after the discovery cut-off date, (as 30 days after falls on a Federal Holiday), and is within
3 the outside limit of 30 days following the discovery cut-off date that LR 26-1(e)(4)
4 presumptively sets for filing dispositive motions.

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6 **d. Joint Pretrial Order:**

7 The Pretrial Order shall be filed by **Monday, August 6, 2018**, which is not more than 32
8 days, (as 30 days after falls on a Saturday), after the date set for filing dispositive motions in the
9 case. In the event dispositive motions are filed, the date for filing the joint pretrial order shall be
10 suspended until thirty (30) days after decision of the dispositive motions or further order of the
11 Court.

12
13 **e. Court Conference:**

14 The parties do not request a conference with the Court before entry of the scheduling
15 order.

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17 **f. Later Appearing Parties:**

18 A copy of this discovery plan and scheduling order shall be served on any person served
19 after it is entered, or, if additional defendants should appear, within 5 days of their first
20 appearance. The discovery plan and scheduling order shall apply to such later-appearing
21 party(ies) unless the Court, on motion and for good cause shown, orders otherwise.

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23 **g. Discovery Phases:**

24 The parties do not anticipate that it will be necessary to conduct discovery in phases.

25
26 **h. Alternative Dispute Resolution:**

27 The parties met and conferred about the possibility of using alternative dispute-resolution
28

processes including mediation, arbitration, and early neutral evaluation.

i. Alternative Forms of Case Disposition:

The parties considered consent to trial by a magistrate judge under 28 U.S.C. § 636(c) and FRCP 73 and the use of the Short Trial Program (General Order 2013-01).

j. Electronic Discovery:

Plaintiff anticipates that this case will involve or require the inspection or production of electronically stored information (“ESI”). To the extent a party requests ESI, the parties agree that the ESI can be produced in paper format or as an image (e.g., .pdf or .tiff) file.

k. Extension or Modifications of the Discovery Plan and Scheduling Order:

LR 26-4 governs modifications or extensions of this discovery plan and scheduling order. Any stipulation or motion must be made not later than 21 days before the deadline sought to be extended and comply fully with LR 26-4.

| Event | Current Deadlines | Last Day to Extend |
|--|-----------------------------|--------------------------------|
| Discovery Cut-Off | Monday, June 4, 2018 | Monday, May 14, 2018 |
| Expert Disclosure Date | Thursday, April 5, 2018 | Thursday, March15, 2018 |
| Rebuttal Disclosure Date | Tuesday, May 7, 2018 | Tuesday, April 13, 2018 |
| Last Day to Amend Pleadings/ Add Parties | Tuesday, March 6, 2018 | Tuesday, February 13, 2018 |
| Interim Status Report | Thursday, April 5, 2018 | Thursday, March15, 2018 |
| Dispositive Motions | Thursday July 5, 2018 | Thursday, June 14, 2018 |
| Joint Pre-Trial Order | Monday, August 6, 2018 | Monday, July 16, 2018 |

/ / / If dispositive motions are filed, the deadline for filing the joint pretrial order will be suspended until 30 days after decision on the dispositive motions or further court order.

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7 DATED this 18 day of December, 2017.

8 LAW OFFICE OF DAN M. WINDER, P.C.

9 /s/Dan M. Winder
10 DAN M. WINDER, ESQ.
11 Nevada State Bar No. 1569
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Attorneys for Plaintiff

16 DATED this 18 day of December, 2017.

17 LEWIS BRISBOIS BISGAARE
18 & SMITH, LLP

19 /s/Robert W. Freeman
20 ROBERT W. FREEMAN, ESQ.
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Attorneys for Defendants
City of North Las Vegas,
26 *Officers Jacob Ray, Rodrigo Delara, John E.*
27 *Tonry, Jesse Lee Cesena,*
Chief Alexander Perez,
28 *and Fire Chief Jeffrey K. Lytle*

DATED this 18 day of December, 2017.

/s/Bradford R. Jerbic
BRADFORD R. JERBIC
City Attorney
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Attorneys for Defendants
City of Las Vegas and Michele Freeman

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6 **ORDER**

7 IT IS SO ORDERED.

8 Dated this 18th
9 day of December, 2017.

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12 UNITED STATES MAGISTRATE JUDGE
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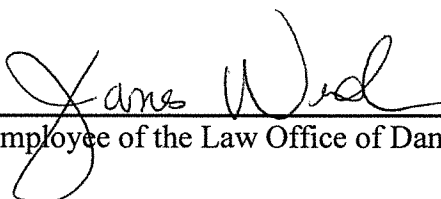
1 **CERTIFICATE OF SERVICE**

2 Pursuant to FRCP 5, LR IC 4-1, and LR 5-1, I hereby certify that I am an employee of the
3 LAW OFFICE OF DAN M. WINDER, P.C., and that on the 18 day of December, 2017, I
4 served the foregoing **STIPULATED DISCOVERY PLAN AND PROPOSED**
5 **SCHEDULING ORDER (FRCP 26(f)(3) and LR 26-1(e))** on counsel as follows:

6
7 E-Service pursuant to LR 5-4:

8
9 BRADFORD R. JERBIC
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21 John E. Tonry, Jesse Lee Cesena,
Chief Alexander Perez,
22 and Fire Chief Jeffrey K. Lytle

23
24
25 
26 _____
Employee of the Law Office of Dan M. Winder P.C.
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